

ORDINANCE No. 91, SERIES 2003

**AN ORDINANCE TO INCREASE WAGES TO MEET DAILY STANDARDS OF LIVING, TO OFFER A MINIMUM WAGE PREFERENCE FOR THE PROCUREMENT OF SUPPLIES AND SERVICES AND TO PROVIDE TUITION, CHILD CARE AND TRANSPORTATION ASSISTANCE FOR EMPLOYEES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") (AMENDED BY SUBSTITUTION).**

**SPONSORED BY: COUNCILWOMAN DENISE BENTLEY, DISTRICT 1  
COUNCILMAN GEORGE UNSELD, DISTRICT 6  
COUNCILMAN ROBERT HENDERSON, DISTRICT 14**

**WHEREAS**, the Metro Government has an obligation to pay its employees a wage that will permit them and their families to meet their daily needs; and

**WHEREAS**, the Metro Government provides contracts to businesses and seeks to encourage businesses, especially those in this community, to match the Metro Government's initiative to increase wages by offering businesses a procurement preference; and

**WHEREAS**, the Metro Government wishes to further assist employees of the Metro Government by offering such employees advancement opportunity in their careers through tuition assistance, and to help such employees manage their and their families daily needs through childcare and transportation assistance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE METRO GOVERNMENT (THE COUNCIL), AS FOLLOWS:**

**SECTION I. MINIMUM WAGE RATES; RESTRICTIONS ON METRO GOVERNMENT.**

**(A)** The Metro Government shall pay no less than the Minimum Wage, as set forth in Section B, below, of this Section, to any full-time employee.

(B) The Minimum Wage for a full-time employee shall be calculated on an hourly basis at no less than \$9.00 per hour starting July 1, 2003.

(C) For purposes of this Section I, full-time employees shall mean those employees who work on a regular basis of 35 or more hours per week.

(D) The Metro Government shall not eliminate full-time positions by making such positions part-time in order to avert compliance with Section I (B), above, of this Ordinance.

## **SECTION II. MINIMUM WAGE PREFERENCE.**

(A) Preferences shall be given to businesses, which provide their employees a minimum wage equal to or exceeding the minimum wage set forth in Section I of this Ordinance ("minimum wage business").

1. If supplies or services are to be purchased by competitive sealed bidding, and the supplies or services are available from a minimum wage business, the bid price or cost quoted by each minimum wage business shall be reduced by 5% for the purpose of determining the lowest bid price; however, nothing in this Section shall be deemed to prohibit the awarding of contracts by Metro Government on the basis of evaluated bid price, as that term is defined in KRS 45A.345; and
2. If supplies or services are to be purchased by competitive negotiation, and such supplies or services are available from a minimum wage business, the offer price or cost quoted by each minimum wage business shall be reduced by 5% for the purpose of evaluating which offer is most advantageous to Metro Government. In addition, it shall

be considered an advantageous factor that an offeror is a minimum wage business.

**(B)** In order to qualify for the 5% preference under Section II of this Ordinance, if a contract is for services, and a bidder or offeror uses subcontractors to perform all or part of the work required under the contract, the bidder or offeror shall not subcontract more than 20% of the work to non-minimum wage businesses unless such services are not available from minimum wage businesses.

**(C)** In the event no bids or offers are received from a non-minimum wage business on any solicitation or where the supplies or services are not available from a minimum wage business, then the preference herein shall not apply. Preferences shall not be allowed where the supplies or services required are not available from a minimum wage business.

**(D)** If a minimum wage business is awarded a contract under this Ordinance, then such business shall post a sign of the applicable minimum wage rate set forth in Section I of this Ordinance in a conspicuous place and manner so as to inform employees and the public alike that such business pays its employees wages at least commensurate with the applicable minimum wage rate established by this Ordinance.

### **SECTION III. CERTIFICATION AS MINIMUM WAGE BUSINESS.**

**(A)** The Director shall include in each bid package the requirements necessary for a business to qualify as a minimum wage business.

(B) A minimum wage business shall complete the section of the bid package which relates to the minimum wage and submit it to the Director on the invitation to bid form at the time of the bid submission.

#### **SECTION IV. PENALTY FOR FALSIFYING APPLICATION AS TO MINIMUM WAGE BUSINESS.**

If a business holds itself out as a minimum wage business by indicating so on the invitation to bid form it fills out with the Metro Government pursuant to Section III of this Ordinance, above, and is subsequently awarded a contract, then it is later discovered that such information was falsely provided by such business, such business will be liable to the Metro Government equal to 30% of the amount of the contract so awarded. Any decision made by the Purchasing Director under this Section of the Ordinance which is adverse to a vendor, contractor or applicant for minimum wage certification who has been awarded a contract with the Metro Government may be reviewed by the Secretary of the Cabinet for Finance and Administration at the request of any such vendor, contractor or applicant for minimum wage certification, provided that a request for review shall be in writing, and shall specify with particularity the grounds for the request. Procedures for conducting any such review shall be within the sole discretion of the Secretary of the Cabinet for Finance and Administration and his/her decision after review shall be final.

#### **SECTION V. TUITION ASSISTANCE.**

(A) Full-time employees who in the previous tax year were eligible for the Earned Income Tax Credit and permanent part-time employees who make less than

\$10.20 per hour shall be eligible to receive tuition reimbursement of up to \$3,000 per fiscal year.

**(B)** Full-time employees and permanent part-time employees, other than those employees mentioned in Section (A) directly, above, shall be eligible to receive tuition reimbursement of up to \$2,000 per fiscal year.

**(C)** The tuition assistance benefit provided in this Ordinance shall be administered in accordance with the personnel policies and procedures that were used to administer such benefit in the former City of Louisville and continued in Ordinance No. 11, Series 2003.

**(D)** For purposes of this Section III, tuition reimbursement shall mean the cost of tuition, books, and/or class fees.

#### **SECTION VI. CHILD CARE ASSISTANCE.**

Full-time employees who in the previous tax year were eligible for the Earned Income Tax Credit and permanent part-time employees who make less than \$10.20 per hour will be provided financial assistance to cover a portion of the cost of childcare expenses in accordance with policies and procedures adopted by the Metro Government.

#### **SECTION VII. TRANSPORTATION ASSISTANCE.**

**(A)** Full-time employees who in the previous tax year were eligible for the Earned Income Tax Credit and permanent part-time employees who make less than \$10.20 per hour will be provided the opportunity to purchase TARC tickets in which the Metro Government will cover eighty percent (80%) of the cost for such tickets.

(B) Employees, other than those employees mentioned directly in Section (A), above, will be provided the opportunity to purchase TARC tickets in which the Metro Government will cover fifty percent (50%) of the cost for such tickets.

#### **SECTION VIII. ELIGIBILITY.**

For purposes of Sections V, VI, and VII(A), full-time employees shall mean employees of the Metro Government who work on a regular basis of no less than 35 hours per week and permanent part-time employees shall mean employees of the Metro Government who work on a regular basis of up to 25 hours per week.

#### **SECTION IX. W-5 FORMS.**

The Human Resources Department will have on site and make available to all employees of Metro Government upon their being hired and at open enrollment IRS W-5 Forms, which enable employees to take advantage of being able to receive earned income tax credits and will work to educate such employees in completing the forms necessary to qualify and apply for the Earned Income Tax Credit and such other benefits.

#### **SECTION X. COLLECTIVE BARGAINING AGREEMENTS.**

(A) Any benefit provided in this Ordinance to an employee of the Metro Government who is also covered by a collective bargaining agreement shall be deemed to be supplemental to any right, benefit, or entitlement such employee has under a collective bargaining agreement, and shall not be construed as a limitation or amendment to any such collective bargaining agreement.

(B) Any benefit payable to an employee under this Ordinance shall be reduced by the amount[s] that employee receives from the same or similar benefits under a collective bargaining agreement.

**SECTION XI. BENEFITS UNDER PREVIOUS PERSONNEL POLICIES.**

The type of benefits provided in this Ordinance hereby replace those similar type of benefits provided to Metro Government employees pursuant to Section X A., Continuation of Existing Personnel Policies in Ordinance No. 11, Series 2003.

**SECTION XII. REPEAL.**

Upon its passage and approval, this Ordinance shall hereby repeal and replace Ordinance No. 180, Series 2002.

**SECTION XIII. EFFECTIVE DATE.**

Upon its passage and approval, this Ordinance shall take effect on July 1, 2003.

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Kathleen J. Herron  
Metro Council Clerk

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Ron Weston  
President of the Council

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Jerry E. Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_

Amended by Substitution Final - 5/15/03 3:00 PM